

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1159 of 2019

In

Civil Writ Jurisdiction Case No.3403 of 2007

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Sharda Devi W/o Sri Ram Yash Rai D/o Late Jagti Rai, Resident of Village-
Narwara Kashi Chapra, P.o.- Tola Muja Narwara, P.s.- Baruraj, District-
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Director of Consolidation Muzaffarpur
3. Joint Director Consolidation Muzaffarpur
4. Consolidation Officer Muzaffarpur
5. Bhullan Rai S/o Late Bihari Gopa Resident of Village- Narwara, Kashi
Chapra, P.o.- Tola Muja Narwara, P.s.- Baruraj, Distt.- Muzaffarpur
(petitioner of Misc. Case No. 13 of 2006 under section 35 of the
Consolidation Act)
6. Chalitra Rai S/o Late Nayak Rai Grand son of Late Bihari Gope, Resident of
Village- Narwara, Kashi Chapra, P.o.- Tola Muja Narwara, P.s.- Baruraj,
Distt.- Muzaffarpur (petitioner of Misc. Case No. 13 of 2006 under section
35 of the Consolidation Act)

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Jai Prakash Verma, Adv.
For the State	:	Mr. Arun Kumar Bhagat, AC to AAG 12
For the Resp. No.6	:	Mr. Satya Ranjan Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 29-11-2022

Heard Mr. Jai Prakash Verma, learned advocate
for the appellant and Mr. Arun Kumar Bhagat, learned AC
to AAG-12.



The appellant has challenged the order dated 09.08.2019 passed in CWJC No. 3403 of 2007 by a learned Single Judge of this Court who has rejected the writ petition preferred by the appellant on the ground that even though the Joint Director, Consolidation, Muzaffarpur in Misc. Case No. 13 of 2006 had entertained the revision petition after an inordinate delay under Section 35 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (hereinafter referred to as 'the Act') at the instance of the respondent nos. 5 & 6, the order was not assailable for the reason that in the first instance, the Joint Director, Consolidation had the jurisdiction to deal with such matter and that there was justification for deciding the revision petition at such a late stage, which further got confirmed by the fact that the appellant did not place any record/document before the Joint Director, Consolidation with respect to her claim of 50% of the land, said to be in possession of the respondent nos. 5 & 6.



The claim of the appellant is that she hails from the same stock of family as a descendant of the Saudagar Gope and daughter of Jagti Rai, who was also part of the bandobasti of the land in question.

The Joint Director, Consolidation, after having found that the land in question was not a *Raiyati* land but a land which has been settled in favour of Bihari Gope, which was the basis of issuance of Parcha (receipt), the appellant was required to demonstrate that she came from the family of Saudagar Gope and was entitled to half of the property in question. In the absence of any document to demonstrate the aforesaid claim, the appellant lost before the Joint Director, Consolidation.

The learned counsel for the appellant however has submitted that the Joint Director, Consolidation completely ignored Rule 28 of the Act which provides 30 days time for filing revision petition before the Joint Director, Consolidation.



We find from the records that there was no objection before the Joint Director with respect to taking up of the revision petition on behalf of the appellant and, therefore, such issue can not be raised now. The learned Single Judge has also gone on to say that factually, the appellant could not demonstrate her claim to half of the property in question and that the Joint Director, Consolidation was perfectly justified in passing the order against her.

We find no reason to interfere with the order passed by the learned Single Judge.

The appeal stands dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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